



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved ZONING BOARD OF APPEALS

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Thursday, June 16, 2022

5:00 PM

Virtual Meeting

CALL TO ORDER / ROLL CALL

Brown moved to appoint Ostlind as acting chair for this meeting, Waugh seconded. The motion passed 3-0 by unanimous vote. Ostlind called the meeting to order at 5:03 pm.

Staff Present: Matt Tucker, Katie Bannon, Nancy Kelso, and Cary Olson

Board Members Present: 4 - Craig Brown, Angela Jenkins, Peter Ostlind, David Waugh.

Board Members Excused: 2 –Allie Berenyi, Winn Collins

APPROVAL OF MINUTES

A motion was made by Waugh to approve the March 17, 2022 minutes, seconded by Jenkins. The motion passed 3-0 by unanimous vote.

PUBLIC COMMENT

1. [61712](#) Zoning Board of Appeals Public Comment Period

There were no public comments.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

2. [71917](#)

Joseph P. Bartol, Stroud, Willink & Howard LLC, requests an appeal to the Zoning Administrator's determination as it pertains to a use.

Acting chair Ostlind outlined the appeal process, noting the differences from a variance request hearing.

Attorney Joseph P. Bartol of the law firm Stroud, Willink & Howard, LLC, representing their client (who chooses to remain anonymous), appeals the Zoning Administrator's determination of permitted use on a Planned Development (PD) zoned property. Bartol explained the nature of the work performed by his client, noting that amount of time spent that directly involves working with animal DNA samples is approximately five percent of the total work performed. Bartol outlined the equipment and processes used in this portion of the client's work. Referencing the Planned Development-Specific Implementation Plan (PD-SIP) for the Peloton Residences, Bartol expressed the opinion that the client's work did meet the parameters of the permitted uses for utilizing a live/work unit in that complex. Additionally, Bartol argued that the minimal amount of the clients work with animal DNA samples does not constitute a laboratory function as defined by City ordinance.

Zoning Administrator Katie Bannon explained how the determination was made that the work as outlined, did qualify as a type of work performed in a laboratory and why the use is not classified as a professional and general office as defined by Madison General Ordinance 28.211. Bannon provided excerpts of communications received from the client and their former and current attorney describing the work of DNA testing and amplification. Additionally, Bannon provided further information on the equipment and materials needed to perform this work. Bannon provided the client's employer's mission statement along with reference to MGO 28.004 (1), which states in part "any uses or structures not specifically permitted by the ordinance are prohibited."

Bartol and Bannon took the opportunity to respond to each other's statements.

The Board posed questions to both parties for further explanation and clarification of their respective positions relating to interpretation and application of city ordinance.

Ostlind closed the public hearing.

Brown moved to approve the petitioner's appeal of the Zoning Administrator's determination of permitted use; Waugh seconded.

After deliberations were completed and there was no further discussion, the Board voted by roll call vote 0-2 with one abstention, denying the appeal. Discussion and reasons for the Board's decision are on the record of the proceeding.

DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Communications: Kelso stated there is an appeal scheduled for the July 21, 2022 meeting, noting that the filing deadline for case submittal is Thursday June 23, 2022.

ADJOURNMENT

The Board adjourned at 7:05pm.